

REMARKS/ARGUMENTS

Status of Application

Claims 1, 5-7, 10-13, 18-24, and 29-38 are pending. Claims 1, 5, 6, 7, 18, 30, and 31 are being amended.

Previously Submitted IDS

Applicant submitted Information Disclosure Statements (along with respective forms PTO-1449) on September 25, 2003 and March 14, 2005, and Applicant has not received initialed copies of the PTO-1449 forms. The Examiner is respectfully requested to provide same with the next communication.

Indefiniteness Rejection

Claims 28-31 have been rejected for indefiniteness as depending from a canceled claim. Claim 28 was previously canceled, claim 29 depends from claim 21, which remains in the application, and Applicant has amended claims 30 and 31 to depend from claim 29. This amendment is believed to address the indefiniteness rejection.

Double-Patenting Rejection

Claims 1, 5¹-7, 10-13, 18-24, and 29-38 stand rejected for obviousness-type double patenting over U.S. Patent No. 6,724,712. Applicant is submitting a Terminal Disclaimer with respect to U.S. Patent No. 6,724,712.

In the course of reviewing the claims in the four issued patents in this family, namely U.S. Patent Nos:

- 5,751,683,
- 6,252,226,
- 6,507,553, and
- 6,724,712,

¹ The Examiner stated that claims 1, 3-7, 10-13, 18-24, and 29-38 were rejected, but claims 2-4 were previously canceled in the Preliminary Amendment.

it was noticed that claim 1, drawn to a positioning system, was substantially identical to claim 1 in U.S. Patent No. 5,751,683. To address this, Applicant has amended claim 1 to depend from the data storage system of claim 10.

It is believed that the Terminal Disclaimer and the amendment to claim 1 address the double-patenting questions.

Prior Art Rejection

Claim 38 has been rejected as anticipated by U.S. Patent No. 6,101,164 to Kado et al. (Kado). Applicant notes that claim 38 is drawn to a biochemical instrument while Kado is drawn to a data storage system. Although the reference to a "biochemical instrument" is in the preamble, the body of claim 38 contains the following two limitations:

- a porous tip, and
- ... lowering the tip into the sample material to produce a biochemical interaction between the porous tip and the sample material.

Neither of these limitation is present in Kado, and so Applicant respectfully requests withdrawal of the anticipation rejection.

Application No. 10/630350
Amendment dated July 21, 2005
Reply to Office Action of March 21, 2005

PATENT

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

A handwritten signature in black ink that reads "David Slone". The signature is written in a cursive, flowing style.

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